

² The Board notes that appellant submitted additional evidence on appeal. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On March 19, 2020 appellant, then a 57-year-old mail carrier, filed a traumatic injury claim (Form CA-1) alleging that on March 9, 2020 he sprained his right ankle when he fell while descending porch steps in the performance of duty. On the reverse side of the claim form, the employing establishment indicated that he was injured in the performance of duty on March 9, 2020.

A March 10, 2020 return to work note by Dr. Hon-Yuen Wong, Board-certified in family medicine, related that appellant was seen in his office on that date and that he could not return to work until March 15, 2020.

In a development letter dated March 23, 2020, OWCP informed appellant that additional evidence was needed in support of his claim. It advised him of the type of factual and medical evidence necessary and attached a questionnaire for his completion. OWCP afforded appellant 30 days to submit the requested evidence.

A March 21, 2020 letter from Dr. Wong indicated that appellant was under his care and could return to work on March 25, 2020 with the restriction of intermittent walking for 3 hours a day.

In a March 25, 2020 letter, Dr. Wong indicated that appellant was seen in his office on March 21, 2020. He stated that appellant should be able to return to work without restrictions on March 30, 2020.

A March 30, 2020 return to worksheet (Form CA-3) from the employing establishment indicated that appellant returned to full-time regular-duty work on that date.

By decision dated May 1, 2020, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted March 9, 2020 employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was filed within the applicable time limitation of FECA,⁴ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the

³ *Supra* note 1.

⁴ *F.H.*, Docket No.18-0869 (issued January 29, 2020); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

employment injury.⁵ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established.⁷ Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that allegedly occurred. The second component is whether the employment incident caused a personal injury.⁸ Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁹ A physician's opinion on whether there is causal relationship between the diagnosed condition and the accepted employment incident must be based on a complete factual and medical background.¹⁰ Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and the specific employment incident.¹¹

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted March 9, 2020 employment incident.

OWCP received several reports from Dr. Wong related to appellant's ability to return to work. In these reports Dr. Wong did not provide a specific diagnosis, or an opinion regarding causal relationship. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value on the issue of causal relationship.¹² As such, this evidence is insufficient to establish appellant's claim.

⁵ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016).

⁷ *D.B.*, Docket No. 18-1348 (issued January 4, 2019); *T.H.*, 59 ECAB 388, 393-94 (2008).

⁸ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *B.M.*, Docket No. 17-0796 (issued July 5, 2018); *John J. Carlone*, 41 ECAB 354 (1989).

⁹ *T.H.*, *id.*; *Robert G. Morris*, 48 ECAB 238 (1996).

¹⁰ *C.S.*, Docket No. 20-1354 (issued January 29, 2021); *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

¹¹ *Id.*; *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

¹² *See L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

As there was no medical evidence of record establishing a diagnosis in connection with the accepted March 9, 2020 employment incident, the Board finds that appellant has not established that he sustained an injury causally related to the accepted March 9, 2020 employment incident.¹³

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128 and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted March 9, 2020 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the May 1, 2020 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 15, 2021
Washington, DC

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

¹³ *Id.*